

**RESUBMIT DPS-150**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

NO. 05-3696

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HARRY BIERLEY,  
Appellant

v.

DEP. SHERIFF MICHAEL GROLUMOND;  
ERIK CHRISTENSEN; STEPHEN BRANDON;  
SHERIFF ROBERT MERSKI; JUDGE ERNEST DISANTIS

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On Appeal From the United States District Court  
For the Western District of Pennsylvania  
(D.C. Civ. No. 05-cv-00049)  
District Judge: Thomas M. Hardiman

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Submitted For Possible Dismissal Under 28 U.S.C. § 1915(e)(2)(B)  
March 7, 2006

Before: ROTH, FUENTES AND VAN ANTWERPEN, CIRCUIT JUDGES

JUDGMENT

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This cause came on to be heard on the record from United States District Court for the Western District of Pennsylvania and was submitted for possible dismissal under 28 U.S.C. §1915(e)(2)(B). On consideration whereof, it is now here

ORDERED AND ADJUDGED by this Court that the appeal is dismissed as

frivolous under 28 U.S.C. § 1915(e)(2)(B). All of the above in accordance with the Opinion of the Court.

ATTEST:

/s/ Marcia M. Waldron  
Clerk

DATED: March 16, 2006

Certified as a true copy and issued in lieu  
of a formal mandate on 5/15/06

Teste:   
Clerk, U.S. Court of Appeals for the Third Circuit